County Government (Ireland) Bill.

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B I L L

FOR

The better Government of Counties in Ireland.. A.D. 1897.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.—County Councils.

PART I.

COUNTY COUNCILS.

Establishment of county council.

1. A council (in this Act referred to as a county council or the council of a county) shall be established in every administrative county, and be entrusted with the management of the administrative and financial business of that county, and shall consist of a chairman and councillors (in this Act referred to as county councillors).

Election of councillors.

2. The county councillors shall be elected by the county electors duly registered under this Act, and every person shall be entitled to be so registered in every year who either is, or would, but for being a peer or a woman, be entitled to be, registered in that year, as a parliamentary elector for the county.

The county councillors shall be elected for a term of *three years*, and shall then retire together, and their places shall be filled by a new election.

The Lord Lieutenant shall, *within three months after the passing of this Act*, determine the number of county councillors for each county, and shall determine the number and boundaries of the county divisions in each county, and the number of councillors to be elected in each division.

The councillors in each electoral division shall be elected by the county electors registered therein.

Peers and women entitled to vote.

3. Persons who if they were not peers would be qualified to vote at elections of members of Parliament, and women who would be

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A.D. 1897.

entitled to vote for poor law guardians, shall be entitled to vote at the election of a member of a county council; and a list of such persons shall be added each year by the revising barristers to the list of parliamentary voters for each county.

Election regulations.

4. All elections of members of county councils shall be held in the same manner as elections of members of Parliament, and shall be regulated by the Ballot Act, 1872, so far as the said Act relates to the mode of election of members of Parliament; provided that the sections and provisions of said Act where they are inconsistent with this Act shall not apply to the elections to be held under this Act.

Application of Corrupt Practices Act

5. The provisions of the Corrupt and Illegal Practices Preventions Act, 1883, so far as the said Act applies to Ireland, shall be applicable to the election of members of the county councils.

Election expenses.

6. The expenses of returning officers at the election of a member or members of a county council shall be defrayed by the council out of the county rate; provided that any candidate who fails to poll at least one fourth of the total number of electors in the barony for which he seeks to be elected shall defray the entire amount of such expenses.

Constabulary to post notices.

7. The returning officer shall be entitled to require the constabulary of the county in which any election may take place to post all notices required to be given for the carrying out of this Act.

Powers of County Councils.

Councils to be corporations.

8. Each county council elected in the manner herein-before described shall have perpetual succession by the name and title of the council of the county for which it is elected. It shall be capable of suing and being sued, shall have a common seal, be capable of acquiring and holding land, have the power of making byelaws, and appointing such officers, subject to the approval of the Local Government Board, as to it may seem fit, and shall have and enjoy and be subject to all such rights, powers and restrictions as by law belong to municipal bodies corporate. Provided always that no byelaws so made by the council shall have any force or effect unless and until same shall be allowed by the Local Government Board, which allowance shall not be given until a period of *twenty-one days* after a copy of such byelaws has been published under the common seal of the council; and immediately on any byelaw being

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passed by the council, same shall be printed, and a printed copy of same shall be kept in the office of the council to be inspected by anyone who shall desire so to do. A.D. 1897.

Powers of councils.

9. From and after the *first day of January* next the council of each county shall be capable of exercising, and shall have and exercise all such powers, duties, and authorities in relation to all matters, acts, and things which may now be lawfully done by—

(1.) the presentment sessions and the grand jury;

(2.) the boards of district lunatic asylums where such exist in any county;

and the county council shall as respects the business of this Act transferred to it from the grand jury and the boards of district lunatic asylums, shall have and be subject to all the powers, duties, and liabilities which the grand jury and the boards of district lunatic asylums had or were subject to in respect of the business so transferred:

Provided that nothing in this Act contained shall affect the power of the grand jury to find indictments.

Powers of grand juries and other bodies abolished.

10. From and after the *first day of January* next it shall not be lawful for any grand jury of a county, of a county of a city, or of a county of a town, or for any board of district lunatic asylums or for any town authority as herein-before specified, to do any matter, act, or thing in relation to the business transferred as aforesaid to the county councils, and from and after the aforesaid day, all the powers, duties, liabilities of the grand jury and the boards of district lunatic asylums, in respect of the business transferred from them as aforesaid, shall absolutely cease and determine.

Property to vest in councils.

11. From and after the *first day of January* next, all property of what nature or kind whatsoever, which is now held by any grand jury or board of district lunatic asylums, shall be and become the property of the county council of each county respectively.

Contracts to continue in force.

12. No contract heretofore entered into by or with or on behalf of any grand jury or any board of district lunatic asylum, shall be in any manner affected or impaired by anything in this Act contained, but all such contracts, and all rights or liabilities arising therefrom, shall remain in full force and effect; and the county council shall, as to all such contracts and rights and liabilities, be in the same position as if the contract had been made by or with it, or in trust for it, instead of by or with the several bodies as aforesaid, and it shall have, in relation to all such contracts and matters, the same

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power as any of the bodies aforesaid would have had if this Act had not been passed.

Liability of baronies continued.

13. Each barony of every county shall continue liable for all debts, obligations, liabilities, and guarantees due, by, or imposed upon it at the *passing of this Act*, and in case any barony shall for the purposes of this Act be divided, it shall to the extent of its valuations still remain liable to a proportionate part of such debts, obligations, and guarantees as aforesaid.

Acquisition and management of woods and plantations.

14. Where, on the representation of any district council, it appears to the county council that the preservation of any wood or plantation would be advantageous to the district, the county council may at the cost of the district acquire by agreement such wood or plantation, and manage and preserve it.

Nomination of sheriffs.

15. The county council for every county shall at the meeting of such council which shall take place next before the *first day of December* in every year, after the present year, select three persons qualified to fill the office of sheriff for such county, and shall, within *fourteen days* thereafter, notify to the Lord Lieutenant of Ireland the names of the persons so selected, and the Lord Lieutenant shall within *seven days* from the receipt by him of such notification appoint one of the persons so selected to execute the office of sheriff for such county, with the like duties and powers as the sheriff or person filling the office of sheriff would have had if this Act had not passed, and the person so appointed shall on the ensuing *first day of January*, or so soon thereafter as he shall have taken the oaths now required by law, have and exercise the said office of sheriff until his successor shall have been appointed and likewise taken the oaths required by law.

In case any county council shall in any year neglect or refuse to select three persons qualified to fill the office of sheriff, and to notify the names of the persons so selected to the Lord Lieutenant on the day or within the time, and in manner provided by this Act, it shall be lawful for the Lord Lieutenant at any time before the *sixteenth day of December* then next ensuing to appoint a fit person to be such sheriff, and every person so appointed shall, as soon as he shall have taken the oaths now required by law, have and exercise all the powers, privileges, and duties pertaining to a sheriff appointed under this Act.

If any person appointed sheriff under this Act shall become incapable of acting before he enters on his office, or shall die or be

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superseded, the council to which the appointment of such sheriff belongs shall, within one week after notice of the sheriff being superseded, or of a vacancy, death or incapacity as aforesaid, at a meeting duly convened for that purpose, select three persons qualified to fill the said vacancy, and shall, within *seven days* thereafter, notify to the Lord Lieutenant the names of the persons so selected, and the Lord Lieutenant shall within *seven days* from the receipt by him of such notification, appoint one of the persons so selected to fill the said vacancy, or be in the room of the person who has died or been superseded or become incapable.

A person shall not by reason of being appointed sheriff for any county be disqualified from being a member of the council for such county; nor shall a person be disqualified from being appointed sheriff for any county by reason of his being a member of the county council for such county.

Meetings of county councils.

16. The council of each county shall assemble on the first *Monday* in the month of *January* every year. Its first meeting shall be held at noon in the grand jury room of the county court-house, and its subsequent meetings at such place in the county and on such days as it may from time to time appoint.

Election of chairman and vice-chairman.

17. The county council shall at its first meeting in each year elect a member of the council to be chairman, and another to be vice-chairman, for the ensuing year, and may, at any meeting duly convened, fill up a vacancy arising in either of such offices. The presiding officer of the council shall have an additional or casting vote in case of an equality of votes at the council.

PART II.

District Councils.

Establishment of district councils.

18. Every county shall be divided into county divisions, and there shall, on and after a day to be appointed by the county council, be a district council in each division.

Area of county districts.

19. Such districts shall be, as nearly as practicable, conterminous with the existing poor law unions, and each such district shall be divided into electoral divisions, which shall be as nearly as practicable conterminous with the existing electoral divisions of the existing poor law unions.

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A.D. 1897.

Qualification of electors.

20. The persons entitled to vote in the election of members for the district council shall be those who would be qualified to vote in the election of members for a county council, and shall elect the members for the district council in the manner herein-before provided for the election of members for the county council, and subject to all the provisions in this Act for the election of members for the county council.

Number of members of district councils.

21. The electors of each electoral division shall elect as fit and proper persons to be members for the district council twice the number of persons for each electoral division which such electoral division was at the time of the passing of this Act entitled to elect as members of a board of poor law guardians. Each elector may vote for the full number of members for the district council to be elected; but no elector shall give more than one vote, or vote in more than one electoral division, or in more than one district or county.

Periods of elections.

22. The members of the district council shall be elected on the *first Monday in March* in every year after the present year. The members of each district council shall retire every third year.

Re-arrangement of boundaries where union extends to two counties.

23. For the purposes of representation in the district council it shall be lawful for the Lord Lieutenant, by an Order in Council, in any case where a poor law union or electoral division shall extend into two or more counties, to re-arrange the boundaries of every such union and electoral division so as to keep the whole of every such union and electoral division within the county in which the same are situate.

Union and division to continue liable for debts.

24. Each union and each electoral division shall continue liable for all debts, obligations, liabilities, and guarantees due by or imposed upon it at the passing of this Act, and in case any union or electoral division shall for the purposes of this Act be divided, it shall to the extent of its valuations remain liable to a proportionate part of such debts, obligations, and guarantees as aforesaid.

Who can be members of council.

25. Every person capable of being elected member of a county council shall be capable of being elected member of a district council, and no other. Each district council shall meet at such times and in such places as the county council may direct.

Powers and Duties of the District Councils.

Powers and duties of council.

26. There shall on a day to be appointed by the county council be transferred to the district council for each district the powers,

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duties, property, debts, and liabilities of the board of guardians for the poor law union corresponding with such district; and such board of guardians shall cease to exist and the district council shall be deemed to be in law the successors of such board of guardians: Provided that the district council and the authority of any town or borough having a population of over two thousand, may, with the consent of the county council, arrange for the exercise by the authority of any town or borough of all or any of its powers or duties as a sanitary authority within the boundaries of such town or borough. A.D. 1897.

Transfer of dog licences to county council.

27. On the day appointed all such powers and duties with respect to the issuing of licences for keeping dogs as at the time of the *passing of this Act* shall be vested in any other authority shall be transferred to the district council.

Restriction on Local Government Board.

28. Notwithstanding anything contained in the Poor Relief (Ireland) Act, 1838, and the Local Government Board (Ireland) Act, 1872, it shall not be lawful for the Local Government Board to supersede any district council without the consent of the county council.

Consent of county council to supersession of district council.

29. When the Local Government Board proposes to supersede a district council in any county the Local Government Board shall require the secretary of the county council of such county to summon a special meeting of the county council to be held within twenty-one days for the purpose of considering such proposal.

In event of the disapproval by the county council of the proposal to supersede a district council not being signified to the Local Government Board within *thirty days* of the date of their requisition to the secretary of the county council for a special meeting as aforesaid, the consent of the county council to such proposition shall be assumed, and the Local Government Board shall be entitled to supersede the district council in the same manner as if such consent had been formally obtained.

Transfer of powers from Local Government Board to councils.

30. The Lord Lieutenant in Council may, on the application of the county council, transfer to the county council any of the powers and duties which devolve on the Local Government Board in relation to the district councils.

Saving of rights of existing officials.

31. All persons who at the *passing of this Act* shall be officials of any body whose powers are transferred to county councils or district councils under this Act, shall continue to hold office and shall be entitled to the same salaries, pensions, and superannuation

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allowances as heretofore, and shall be liable to perform the same or analogous duties as heretofore.

Provided always, that any county council or district council shall have power, with the approval of the Local Government Board, to abolish any office, or to consolidate two or more offices, on payment to the official or officials who may be discharged from his, her, or their employment, by reason of such abolition or consolidation, of such sum by way of compensation as may be fixed by the Local Government Board.

Short title.

32. This Act may be cited for all purposes as the County Government (Ireland) Act, 1897.

County Government (Ireland).

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B I L L

For the better Government of Counties in Ireland.

(Prepared and brought in by Mr. Doogan, Sir Thomas Esmonde, Captain Donelan, Mr. Patrick Aloysius McHugh, Mr. McCartan, Mr. P. J. Power, Mr. Daly, and Mr. Meraghan.)

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